

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Walker, et al.

Serial No.: 09/893,112

Filed: June 27, 2001

Confirmation No.: 4872

Group Art Unit: 2452

Examiner: Doan, Duyen

Docket No. 10005039-1

For: **System and Method for Providing Access to a Resource**

RESPONSE TO FINAL OFFICE ACTION

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Office Action mailed October 16, 2008 has been carefully considered. In response thereto, please enter the following amendments and consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

O.K to enter
DD
1/13/2009

Please amend the present application as follows:

Specification

The following is a copy of Applicant's specification that identifies language being added with underlining ("____") and language being deleted with strikethrough ("—") or brackets ("[[]]"), as is applicable:

Page 9, line 3 through 14.

Various software has been described herein. It is to be understood that this software can be stored on any computer readable storage medium for use by or in connection with any computer related system or method. In the context of this document, a computer readable storage medium is an electronic, magnetic, optical, or other physical device or means that can contain or store a computer program for use by or in connection with a computer-related system or method. The software can be embodied in any computer-readable storage medium for use by or in connection with an instruction execution system, apparatus, or device, such as a computer-based system, processor-containing system, or other system that can fetch the instructions from the instruction execution system, apparatus, or device and execute the instructions. In the context of this document, a "computer-readable storage medium" can be any means that can store, communicate, propagate, or transport the software for use by or in connection with the instruction execution system, apparatus, or device.

Page 9, line 15 through page 10 line 5.

The computer readable storage medium can be, for example but not limited to, an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system, apparatus, device, or propagation medium. More specific examples (a nonexhaustive list) of the computer-readable storage medium include an electrical connection having one or more wires, a portable computer diskette, a random access memory (RAM), a read-only memory (ROM), an erasable programmable read-only memory (EPROM, EEPROM, or Flash memory), an optical fiber, and a portable compact disc read-only memory (CDROM). Note that the computer-readable medium can even be paper or another suitable medium upon which a program is printed, as the program can be electronically captured, via for instance optical scanning of the paper or other medium, then compiled, interpreted or otherwise processed in a suitable manner if necessary, and then stored in a computer memory.

Claims

The following is a copy of Applicant's claims that identifies language being added with underlining ("____") and language being deleted with strikethrough ("———") or brackets ("[[]]"), as is applicable:

1. (Previously presented) A method for providing a client on a remote client network access to a service provider resource on a local service provider network, the method comprising the following actions:

(a) providing a graphical user interface (GUI) that enables an operator of the service provider to construct virtual local area networks (VLANs) between clients on remote client networks and service provider computers on the service provider network using a process that is the same regardless of configurations of the remote client networks;

(b) receiving commands of the service provider operator with the GUI that convey the identity of a particular client and a particular service provider computer to be accessed by the client;

(c) automatically determining a configuration of the client's network;

(d) automatically establishing a VLAN between the client's network and the service provider computer to enable the client to remotely utilize the computing capabilities of the service provider computer; and

(e) repeating actions (b) through (d) for multiple different clients having different network configurations, the process used by the service provider operator to

construct the VLAN using the GUI being the same regardless of the different network configurations.

2. (Previously presented) The method of claim 1, wherein the GUI comprises lists of clients and available service provider computers.

3. (Previously presented) The method of claim 2, wherein receiving commands comprises first receiving selection of a client for which connectivity is to be provided.

4. (Previously presented) The method of claim 2, wherein receiving commands comprises detecting association of a service provider computer with a client VLAN.

5. (Previously presented) The method of claim 4, wherein association of a service provider computer with a client VLAN is communicated with the GUI by dragging the service provider computer and dropping it on the client VLAN.

6. (Previously presented) The method of claim 1, wherein determining the configuration of the client network comprises accessing a connectivity database that stores the client network configurations.

7-11. (Canceled)

12. (Previously presented) A computer readable storage comprising a program configured to provide a client on a remote client network access to a service provider resource on a local service provider network, the program comprising:

logic configured to provide a graphical user interface (GUI) to an operator of the service provider, the GUI being configured to enable the service provider operator to construct virtual local area networks (VLANs) between clients on the remote client network and service provider computers on the service provider network using a process that is the same regardless of the configurations of the remote client networks;

logic configured to receive commands of the service provider operator with the GUI that convey the identity of a particular client and a particular service provider computer to be accessed by the client;

logic configured to automatically determine the configuration of the client's network; and

logic configured to automatically establish a VLAN between the client's network and the service provider computer to enable the client to remotely utilize the computing capabilities of the service provider computer.

13. (Previously presented) The computer readable storage of claim 12, wherein the GUI comprises lists of clients and available service provider computers.

14. (Previously presented) The computer readable storage of claim 13, wherein the logic configured to receive commands comprises logic configured to receive selection of a client for which connectivity is to be provided.

15. (Previously presented) The computer readable storage of claim 14, wherein the logic configured to receive commands further comprises logic configured to detect association of a service provider computer with a client VLAN.

16. (Previously presented) The computer readable storage of claim 12, wherein the logic configured to determine the configuration of the client network comprises logic configured to access a connectivity database that stores the client network configurations.

17-19. (Canceled)

REMARKS

This is a full and timely response to the outstanding final Office Action mailed October 16, 2008. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claims 12-16 have been rejected under 35 U.S.C. § 112, first paragraph, for the failing to comply to the written description requirement.

In response to the rejection, Applicant has amended the specification in the manner suggested by the Examiner. In view of those amendments, Applicant respectfully submits that the rejections should be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden 35 U.S.C. § 103 to establish obviousness by showing objective teachings in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The key to supporting an allegation of obviousness under 35 U.S.C. § 103 is the clear articulation of the reasons why the Examiner believes that claimed invention would have been obvious. See MPEP § 2141. As stated by the Supreme Court, "[r]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational

underpinning to support the legal conclusion of obviousness." *KSR v. Teleflex*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)).

Applicant respectfully submits that the Examiner has not established that Applicant's claims are obvious in view of the prior art. Applicant discusses those claims in the following.

A. Rejection of Claims 1-4 and 6-16

Claims 1-4, 6, and 12-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pugaczewski, et al.* ("Pugaczewski," U.S. Pat. No. 6,903,755) in view of *Hsieh, et al.* ("Hsieh," U.S. Pub. No. 2002/0158900). Applicant respectfully traverses.

Independent claim 1 provides as follows:

1. A method for providing a client on a remote client network access to a service provider resource on a local service provider network, the method comprising the following actions:

(a) providing a graphical user interface (GUI) that enables an operator of the service provider to construct virtual local area networks (VLANs) between clients on remote client networks and service provider computers on the service provider network using a process that is the same regardless of the configurations of the remote client networks;

(b) receiving commands of the service provider operator with the GUI that convey the identity of a particular client and a particular service provider computer to be accessed by the client;

(c) automatically determining the configuration of the client's network;

(d) automatically establishing a VLAN between the client's network and the service provider computer to enable the client to remotely utilize the computing capabilities of the service provider computer; and

(e) repeating actions (b) through (d) for multiple different clients having different network configurations, the process used by the service provider operator to construct the VLAN using the GUI being the same regardless of the different network configurations.

In the Office Action it is alleged that Pugaczewski discloses each limitation of claim 1, except for connecting a customer and service provider with a VLAN. Applicant respectfully disagrees. In particular, Applicant submits that Pugaczewski fails to disclose or suggest other limitations of claim 1, which Hsieh also fails to disclose or suggest.

On pages 4 and 5 of the Office Action, it is argued that Pugaczewski discloses providing a graphical user interface (GUI) that enables an operator of the service provider to construct a connection between clients on remote client networks and service provider computers on a service provider network "using a process that is the same regardless of the configurations of the remote client networks". On page 5, it is further argued that Pugaczewski discloses constructing connections between "multiple different clients having different network configurations, the process used by the service provider operator to construct the VLAN using the GUI being the same regardless of the different network configurations". In support of those arguments, the Examiner cites the Abstract of the Pugaczewski reference, which provides:

A network management system and graphical user interface for configuring a network connection between first and second service access points utilizes a configuration manager and information manager to provide a generic set of models so that different manufacturer's nodal processors and other network hardware can be inserted into the network with minimal changes to the software which controls the device. The system comprises an information manager including routing information for the network. The configuration manager operates to establish a connection across each subnet on the route by sending requests to element managers to program the subnet elements.

Pugaczewski, Abstract. As can be appreciated from the above excerpt, Pugaczewski discloses “a generic set of models so that different manufacturer's nodal processors and other network hardware can be inserted into the network with minimal changes to the software which controls the device”. Clearly, the mere identification of “a generic set of models” is *not* a disclosure of using a GUI to construct VLANs (or other connections) between “multiple different clients having different network configurations, *the process used by the service provider operator to construct the VLAN using the GUI being the same regardless of the different network configurations*” (emphasis added). Applicant notes that the Examiner provides no explanation as to how Pugaczewski's mention of “a generic set of models” equates to or is suggestive of the process used by an operator to be the same regardless of network configuration. Accordingly, the Examiner has not provided any “articulated reasoning” to support the Examiner's conclusion of obviousness. Instead, the Examiner has simply block-copied Applicant's claim limitation and identified text contained within the Pugaczewski reference.

Applicant therefore asserts that the Examiner has failed to state a prima facie case of obviousness.

As a further matter, the Examiner's failure to explain how Pugaczewski discloses or suggests Applicant's limitations has denied Applicant an opportunity to understand the reasons why Applicant's claims have been rejected and, therefore, has likewise denied Applicant an opportunity to properly respond to the rejections. As stated in MPEP 706.07, "[t]he Examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal." In this case, no "clear issue" has been developed by the Examiner.

B. Rejection of Claim 5

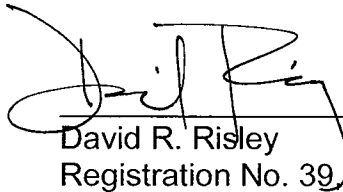
Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pugaczewski* and *Hsieh* as applied to claim 4, and further in view of *McNally, et al.* ("McNally," U.S. Pat. No. 6,259,448). Applicant respectfully traverses the rejection.

As identified above, *Pugaczewski* and *Hsieh* do not teach aspects of Applicant's claims. In that *McNally* does not remedy the deficiencies of the *Pugaczewski* and *Hsieh* references, Applicant respectfully submits that claim 5 is allowable over the *Pugaczewski/Hsieh/McNally* combination for at least the same reasons that claim 1 is allowable over *Pugaczewski/Hsieh*.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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